

RECEIVED  
CENTRAL FAX CENTER

APR 28 2006

Appl. No. 10/715,301  
Amdt. dated April 28, 2006  
Reply to Office Action of December 30, 2005  
Attorney Docket 17440

**AMENDMENTS TO THE DRAWINGS**

Attached to the end of this paper are two sets of two replacement drawing sheets. One set of sheets is a marked up version indicating all additions that have been made to the previous version of the drawings. The other set of sheets is a clean version of the replacement drawing sheets. No new matter has been added.

Appl No 10/715,301  
Amdt. dated April 28, 2006  
Reply to Office Action of December 30, 2005  
Attorney Docket 17440

# **REMARKS/ARGUMENTS**

Claims 1-9 are currently pending for examination. Claims 1, 3, 4, and 8 are currently amended. Claim 10 has been added. No new matter has been added.

## **Election/Restrictions**

The examiner has indicated that the application contains claims directed to the following patentably distinct species of the claimed invention:

- I. Figure 1, drawn to a cab suspension arrangement having a piston and cylinder pumping element.
- II. Figure 2, drawn to a cab suspension arrangement having a reversible pump.

As indicated in a telephone conversation with the examiner on December 2, 2005, applicant elects, without traverse, to prosecute the invention of Figure 1, drawn to a species having a piston and cylinder pumping element. No claims have been withdrawn as Claims 1-10 are believed to be readable thereon.

## **Drawings**

The drawings are objected to under 37 CFR 1.83(a) for failing to show every feature of the invention specified in the claims. Figures 1 and 2 have been amended to correct such deficiency. No new matter has been added. The basis for the additions to the drawings can be found in the specification and claims as originally submitted, in particular paragraphs [0017] and [0034]-[0039] and in original claims 6-9.

## **Rejection of Claims 1-9 under 35 U.S.C. 112**

Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1, 3, 4, and 8 have been amended to clarify the ambiguities indicated by the examiner. No new matter has been added. Withdrawal of the rejection is respectfully requested.

## **Rejection of Claims 1-4 and 6-8 under 35 U.S.C. 103(a)**

Claims 1-4 and 6-8 stand rejected under 35 U.S.C. 103(a) as being unpatentable over

Appl. No. 10/715,301  
 Amdt. dated April 28, 2006  
 Reply to Office Action of December 30, 2005  
 Attorney Docket 17440  
 Paggi et al. (USPN 6,273,203) in view of Mosicki (USPN 5,139,104) and further in view of  
 Heyring (USPN 5,562,305).

Applicant respectfully submits that to establish a *prima facie* case of obviousness, three criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the applied reference must teach or suggest all the claim limitations (See MPEP §2143).

It is respectfully submitted that the Office Action does not meet the criteria for establishing a *prima facie* case of obviousness as the applied references fail to teach or suggest all of the claim limitations.

Claim 1 presently claims, in-part, "each pair of hydraulic actuators is connected to a respective common pumping element in such a manner that whenever the volume of hydraulic fluid in one of the actuators in a pair is reduced, the volume of hydraulic fluid in the other actuator of the same pair is correspondingly increased."

The office action, in-part, provides:

"Paggi et al. does not disclose the actuators being diagonally connected in pairs in a closed circuit and having a pump having a piston associated with each pair, such that as one actuator is lowered and the volume of fluid in that actuator is reduced, the volume of fluid in the other actuator of the pair is correspondingly increased."

To compensate for this deficiency, the examiner relies upon the references of Mosicki and Heyring. These two references appear to teach suspension systems using dual-compartment hydraulic cylinders interconnected in pairs such that the lower chamber of one of the cylinders is fluidly connected to the upper chamber of the opposing cylinder. Such interconnection of the pair of hydraulic cylinders using two hydraulic lines would result in the volume of hydraulic fluid in each cylinder remaining constant due to the interconnected compartments. For example, fluid displaced from the upper compartment of a first cylinder would be forced into the bottom of the opposing second cylinder, thus causing fluid to be displaced from that second cylinder's top compartment. The fluid forced from the second cylinder's top compartment would be forced back into the lower compartment of the first cylinder. The simultaneous movement of fluid among the chambers of the pair of hydraulic

Appl. No. 10/715,301  
 Amdt. dated April 28, 2006  
 Reply to Office Action of December 30, 2005  
 Attorney Docket 17440

cylinders results in the volume of fluid in each of the cylinders remaining constant. An unequal volume of fluid between individual hydraulic cylinders of a pair as taught by Moscicki or Heyring would cause the suspension systems to not function properly as taught.

Conversely, the present invention as described in Claim 1 utilizes only a single hydraulic line connecting each pair of hydraulic actuators to a respective pumping element. Such an arrangement insures that "as one actuator is lowered and the volume of fluid in that actuator is reduced, the volume of fluid in the other actuator of the pair is correspondingly increased" as is presently claimed in Claim 1.

Additionally, none of the cited references teach or suggest "each pair of hydraulic actuators is connected to a respective common pumping element." The examiner submits that Heyring discloses "the pairs are connected to a common pumping element, which is also considered a dual/separate pumping unit as they are two pistons and four working chambers and the pump is essentially a pump for each diagonal pair of actuators." Heyring appears to teach a setup having all four cylinders connected to a single common load distribution element. Heyring fails to teach or disclose "each pair of hydraulic actuators is connected to a respective common pumping element" (emphasis added) as is presently claimed in Claim 1.

As the cited references fail to teach or disclose such a limitation as recited in Claim 1 the obviousness rejection should be withdrawn. Withdrawal of the rejection of Claim 1 is respectfully requested. Claims 2-4 and 6-9 depend directly or indirectly from Claim 1 and should be allowed over the cited art for at least the same reason as Claim 1. Withdrawal of the rejection is respectfully requested.

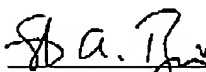
All the claims are now believed to be in condition for allowance, early notification of which is greatly appreciated. The Examiner is invited to call the undersigned if an interview would advance the prosecution of the case.

A fee in the amount of \$120 is currently believed due for a 1 month extension of time. Two copies of Form PTO/SB/22 – Petition for Extension of Time Under 37 CFR 1.136(a) is included with this submission. No other fee is believed to be due, however if any other fee is determined to be due, the Commissioner is hereby authorized to charge the fee to Deposit Account No. 14-0780.

Appl. No. 10/715,301  
Amdt. dated April 28, 2006  
Reply to Office Action of December 30, 2005  
Attorney Docket 17440

Applicants' undersigned attorney may be reached at the phone and fax numbers listed below.

Respectfully submitted,

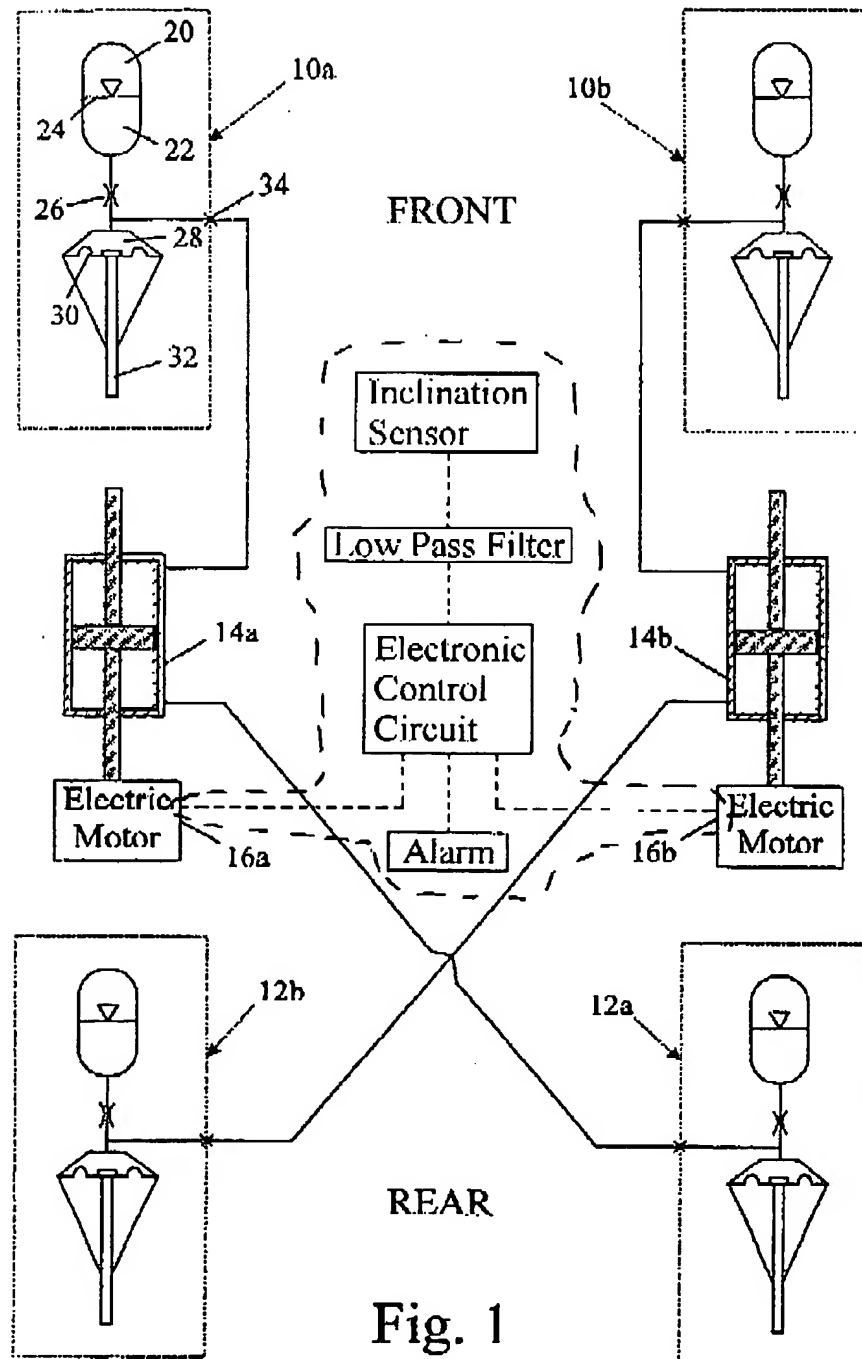


Stephen A. Buccchianeri  
Attorney for Applicant(s)  
Reg. No. 54, 928  
Date: April 28, 2006

(717) 355-4954 Phone  
(717) 355-3107 Fax

Marked-up Version  
Replacement Sheet  
1/3

Additions shown inside dashed area.



Mark-up Version  
Replacement Sheet

2/3

